

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE:

MARIA GILDA LEE

Debtor,

**ADVERSARY COMPLAINT
SEEKING LIEN AVOIDANCE OF
WHOLLY UNSECURED LIEN**

Case No.: 15-16900-TWD

MARIA GILDA LEE

Plaintiff,

v.

WELLS FARGO BANK

Defendant.

Adversary No.

ADVERSARY COMPLAINT SEEKING

LIEN AVOIDANCE OF WHOLLY UNSECURED LIEN

NOW COMES, the Plaintiff, Maria Gilda Lee, by and through her attorney, Lisa S. Tse of Advantage Legal Group, and for the purpose of this complaint allege the following:

1. This adversary proceeding arises out of Plaintiff's Chapter 13 case now pending before this Court. This Court has jurisdiction to consider the matters herein pursuant to 28 U.S.C. §§ 157 and 1334 and 11 U.S.C. § 506 and 1322. This is a core proceeding under 28 U.S.C. §§ 157(b)(2)(A), (B), (K), and (O).

2. Plaintiff is a natural person(s) living in Renton, King County, Washington.

**ADVERSARY COMPLAINT SEEKING LIEN AVOIDANCE OF
WHOLLY UNSECURED LIEN - 1 of 3**

ADVANTAGE LEGAL GROUP
12207 NE 8th Street
Bellevue WA 98005

1 3. Defendant Wells Fargo is a corporation licensed to do business, and actually doing business
2 within the State of Washington.

3 4. Plaintiff is the owner of a parcel of real estate located in Renton, King County, Washington: (1)
4 commonly described as 559 Lyons Place NE Renton, WA 98059 (2) SHAMROCK HEIGHTS I
5 TGW UND INT IN TRACTS B, E, F, G,H,I,K,L,O,S,T & Y, (3) and parcel number
6 770820-041.

7
8 5. Prior to the filing of this bankruptcy case, Plaintiff allegedly executed a junior lien in favor of
9 Wells Fargo Bank, or Defendant's predecessor, evidencing a loan by Defendant Wells Fargo Bank.

10 6. On the date of filing of Plaintiff's Chapter 13 Petition, November 24, 2015, Plaintiff was
11 allegedly indebted to Wells Fargo Bank or its successors and/or assigns under such instrument in
12 the approximate sum of \$15,229.00 for the junior lien.

13 7. On the date of filing of Plaintiff's Chapter 13 Petition, the value of Plaintiffs' real property
14 described above was \$485,000.00 per the King County Tax Assessor's Office estimated value of
15 the home, and as stated in Schedule A of Plaintiffs'/Debtors' bankruptcy. On that date, the debt
16 owing to senior lienholder Shellpoint Mortgage was approximately \$480,196 plus an arrearage of
17 \$23,062.00 for a total of approximately \$503,258.00.

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19 9. No equity in Plaintiff's real property exists to which Defendant's lien can attach. Therefore,
20 pursuant 11 U.S.C. §§ 506 and 1322, and in re Zimmer, 313 F.3d 1220 (9th Cir. 2002), Plaintiff is
21 entitled to "strip off" the lien held by Defendant so that such lien becomes voided and no longer
22 remains a lien against Plaintiff's real property.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for a judgment and order voiding the Defendant's deed of trust,
25 adjudging that the note is no longer secured by the deed of trust against the above-described real
26 property unless this Chapter 13 case is later dismissed prior to discharge, and for such other and
27 further relief as this Court might deem just and equitable.
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1 Respectfully submitted this 9th day of March, 2016.
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/s/ Lisa S. Tse
Lisa S. Tse, WSBA #43689
Attorney for Plaintiff/Debtor
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